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DEC 14 2010

U.S. Pat. App. Ser. No. 10/581,989  
Attorney Docket No. 1717552

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	Examiner:	Willie Wendell Berry Jr.
Thomas Gross	)	Group Art Unit:	3652
International Appln. No. PCT/AT2004/000419	)	Confirmation No.:	1863
Serial No.: 10/581,989	)		
Filing Date: June 7, 2006	)		
For: METHOD FOR REMOVAL OF MATERIAL MINED UNDERGROUND AND DEVICE FOR CARRYING OUT SAID METHOD	)		

**FILED VIA FACSIMILE TO 571-273-8300**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

The following is filed in timely response to the non-final Office Action mailed on September 14, 2010, wherein the Examiner:

1. Rejected Claims 1-3, 5-10, 12, 14, 16, 17, 19, and 20 under Section 103(a) as being unpatentable over Lee, U.S. Patent No. 2,507,341.
2. Determined that Claims 4, 11, 13, 15, and 18 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

The following remarks are submitted in response.

**Remarks begin on page 2 of this paper.**

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